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Civilian Personnel
Merit Promotion and Placement

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Summary. This regulation provides policy and procedures for promotions and other competitive-placement actions of U.S. citizens in the Army in Europe to appropriated fund positions in the competitive and excepted services. This regulation is consistent with statutory and regulatory guidance issued by DOD, DA, and the Office of Personnel Management.

Applicability. This regulation applies to all activities in the Army in Europe that are serviced by the Civilian Human Resources Agency, Europe Region (CHRA-E), Civilian Personnel Operations Center.

Supplementation. Organizations will not supplement this regulation without CHRA-E (PCEP-EUR-B) approval.

Forms. AE and higher-level forms are available through the Army in Europe Publishing System (AEPUBS).

Records Management. Records created as a result of processes prescribed by this regulation must be identified, maintained, and disposed of according to AR 25-400-2. Record titles and descriptions are available on the Army Records Information Management System Web site at <https://www.arims.army.mil>.

Suggested Improvements. The proponent of this regulation is the CHRA-E (PCEP-EUR-B, DSN 375-9720). Users may suggest improvements to this regulation by sending DA Form 2028 to the CHRA-E (PCEP-EUR-B), Unit 29150, APO AE 09100-9150.

Distribution. C (AEPUBS).

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Glossary

1. PURPOSE

This regulation establishes policy, assigns responsibilities, and prescribes procedures for promotions and other competitive-placement actions of U.S. citizens to appropriated fund positions in the competitive and excepted services. Higher-level regulations and authority must be used for policy on areas not included in this regulation.

2. REFERENCES

Appendix A lists references.

3. EXPLANATION OF ABBREVIATIONS AND TERMS

The glossary defines abbreviations and terms.

4. RESPONSIBILITIES

a. The Civilian Human Resources Agency, Europe Region (CHRA-E), Civilian Personnel Operations Center (CPOC) will—

(1) Administer the merit promotion and placement program to ensure that the provisions of this regulation and the spirit and intent of the United States Code, Title 5, are met.

(2) Advise, assist, and provide information and guidance to civilian personnel advisory centers (CPACs) on recruitment strategies, appropriate areas of consideration, supervisory and employee responsibilities, regulatory requirements, and the provisions of this regulation.

(3) Consult with CPACs and management officials on recruitment methods, sources, and strategies, including outreach and special-emphasis and recruitment requirements.

(4) Prepare and distribute vacancy announcements through electronic means.

(5) Evaluate applicant qualifications as required by the recruitment method used.

(6) Issue referral lists to selecting officials or designated representatives, as appropriate.

(7) Provide a means for applicants to access information on the status of their résumés and applications for employment or placement consideration.

(8) Respond to inquiries regarding rating determinations.

(9) Validate and process selections in accordance with applicable laws, rules, and regulations.

(10) Maintain records in accordance with requirements established by laws, rules, and regulations.

b. CHRA-E CPACs will—

(1) Assist the CPOC in providing information to the workforce on the merit promotion and placement program.

(2) Assist and advise managers on recruitment strategies (for example, areas of consideration, development of skills criteria, and special-emphasis and recruitment requirements and incentives).

(3) Participate in job fairs and provide information to the applicant pool or labor market on recruitment processes and application procedures.

(4) Make tentative job offers, obtain eligibility documentation from selectees, and verify eligibility for selection.

(5) Make official job offers on receiving eligibility documentation and coordinate employment effective dates with the CPOC.

(6) Provide selection information and inprocessing forms and documentation within established timeframes.

c. Managers will—

(1) Comply with this regulation and provide information on its provisions to employees.

(2) Anticipate personnel requirements and initiate appropriate action enough in advance to allow for effective recruitment. Managers will also identify required information on the Gatekeeper Checklist to process recruitment actions.

(3) Review and monitor selection procedures to ensure compliance with the spirit and intent of affirmative-action program goals and objectives and the merit principles of the United States Code, Title 5.

(4) Assist employees in applying for vacancies. Managers will help employees who are absent from work for legitimate reasons (for example, approved leave, detail, military duty, training) with the application process if the employee requests this support in writing. These employees will be “self-nominated” for vacancies announced during their absence. Employees must have an active résumé in the Resumix and specify in writing the types of positions for which they would like to be considered.

(5) Notify employees in writing of the conditions of time-limited appointments and temporary promotions.

(6) Return selections to the CPOC in a timely manner (normally within 14 calendar days).

(7) Annotate the referral list to explain the reasons for selection and nonselection of individuals when applicable.

(8) Obtain any required organizational approvals and necessary reviews by the equal employment opportunity officer or higher management officials for recruitment actions.

(9) Provide assistance and counseling to employees on self-development opportunities, application procedures, and nonselection.

d. Employees will—

(1) Submit and maintain an active résumé in the Army Centralized Database, preferably through the Army Résumé Builder. Résumés that are sent by e-mail or surface mail must comply with the guidance in the Army Job Application Kit.

(2) Review job announcements and apply for positions for which they are interested, available, and qualified by following instructions specified in the announcement within required timeframes.

(3) Inform the human resources (HR) representative within 2 workdays after being offered a job whether they accept or decline the offer. Applicants who fail to notify the HR representative within 2 workdays without an approved extension will be considered to have declined the job offer.

(4) Notify their supervisor or manager in writing of job opportunities for which they are interested in applying during periods of legitimate absence (c(4) above). To be self-nominated for a position—

(a) The employee must have an active résumé in the Resumix database.

(b) The employee's request must provide specific titles, series, and grades for which he or she wants to be considered and include all information required for the supervisor to submit the self-nomination.

(5) Seek advice and assistance from supervisors and CPAC representatives on the provisions of this regulation.

e. Equal employment officers will—

(1) Consult with the CPOC and the servicing CPAC on the provisions and applications of this regulation.

(2) Advise managers and supervisors on affirmative-action goals and responsibilities.

(3) Develop, execute, and assess programs to support affirmative employment.

(4) Review and monitor selections to ensure compliance with the spirit and intent of affirmative-action program goals and objectives.

5. POLICY

Positions covered by this regulation will be filled solely on the basis of merit and fitness without regard to the applicant's age, color, gender, marital status, national origin, nondisqualifying physical handicap, political views, race, or religion, and will be based solely on job-related criteria. This regulation does not conflict with international agreements or DOD and Office of Personnel Management (OPM) regulations or employment policy (including limits on overseas employment, family-member employment, military-spouse employment, and the Priority Placement Program).

6. EXCLUSIONS

The regulation excludes the following actions:

a. Promotion resulting from the upgrading of a position without significant change in the duties and responsibilities due to the issue of a new classification standard or the correction of an initial classification error.

b. Placement made during or in lieu of a reduction in force (RIF) as permitted by applicable regulations.

c. Action involving statutory, regulatory or administrative placement, including actions directed by higher command levels, arbitration decisions, court decisions, the Merit Systems Protection Board, negotiated settlements, and discrimination complaint decisions.

d. Promotion without further competition of an employee who was appointed in the competitive service from a civil service register, by direct hire, by noncompetitive appointment or noncompetitive conversion, or under the competitive promotion procedures of this regulation for an assignment intended to prepare the employee for the position being filled. (The intent of the career ladder must be made a matter of record and be documented.)

(1) According to DA policy, a noncompetitive career-ladder promotion will be made effective the first full pay period after the employee becomes eligible for promotion. Eligibility requires management's certification that the employee is performing satisfactorily, that all training and qualification requirements have been met, and that funds are available.

(2) The manager is required to initiate a request for personnel action (RPA) for career promotion 30 days before the effective date of the action.

(3) When the career-ladder promotion is effected retroactively, the CPOC must include the following statement in the remarks section of the RPA: RPA processed IAW DA memorandum, dated 25 Oct 00, subject: Policy for Career Ladder Promotions.

e. Promotion to a grade previously held on a permanent basis in the competitive service (or in another merit system with which OPM has an interchange agreement) from which the employee was separated or demoted for other than performance or conduct reasons.

f. Promotion to the highest grade previously held on an excepted-service, Schedule A, 213.3106(b)(6), family member appointment to another excepted-service appointment if all qualifications are met.

g. Promotion, reassignment, demotion, transfer, reinstatement, or detail to a position having no greater promotion potential than that of a position the employee currently holds or previously held on a permanent basis in the competitive service from which the employee was separated or demoted for other than performance or conduct reasons.

h. Temporary promotions or details to a higher-graded position of 120 days or less, or up to 179 days to maintain continuity of essential functions during base closures and major drawdowns. Prior service during the preceding 12 months under noncompetitive, time-limited promotions and noncompetitive details to higher-graded positions counts toward the 120-day total. An employee need not meet time-in-grade or minimum qualification requirements (other than positive education requirements) to be detailed to another position.

i. Placement of employees who have repromotion or reemployment eligibility through special consideration programs.

j. Promotion resulting from the employee's position being reclassified at a higher grade because of additional duties and responsibilities. The action represents the upgrading of the employee's existing position and not the filling of a vacancy. The employee will continue to perform the same basic duties of his or her former position.

k. Promotion or placement of an employee entitled to noncompetitive priority consideration as a corrective action for failure to be given proper consideration under the requirements of this regulation.

l. Noncompetitive appointment of a family member from a local national (LN) appointment to U.S. appointment when the family member obtains U.S. citizenship. The conversion is to the same position and equivalent General Schedule (GS) grade.

m. Noncompetitive appointment of an eligible veteran with a 30-percent or more disability from a time-limited provisional appointment and promotion after conversion to a competitive appointment provided the position occupied has an established full performance level (career ladder).

n. Noncompetitive appointment of a veterans recruitment appointment (VRA) eligible and promotion after conversion to a competitive appointment provided the position occupied has an established full performance level (career ladder).

o. Noncompetitive conversion of severely disabled individuals and promotion after conversion provided the position occupied has an established full performance level (career ladder).

p. Noncompetitive appointment of an OPM interchange agreement eligible to the same or lower representative rate of pay or a reinstatement eligible to a grade no higher or with no more promotion potential than previously held on a permanent basis in the competitive service.

q. A grade-band promotion, either temporary or permanent, of a Defense Civilian Intelligence Personnel System (DCIPS) employee to a position serviced by the CPOC at a higher grade level within the employee's current grade band and within the employee's current line of work. Positions are generally in the same line of work if they permit the movement of employees from one position to another without significant differences in the knowledge, skills, and abilities (KSAs) required for successful performance. The determination that two positions in different series are in the same line of work will be documented in the case file. This authority may not be used to promote an employee from a nonsupervisory to a supervisory position.

r. Promotion or detail of a DCIPS employee to a grade no higher than previously held on a permanent basis in either the competitive or the excepted service.

s. Placement in senior executive service or equivalent-grade position.

t. Reassignment or changes to lower grades in excepted service, including to positions with promotion potential, when the grades are no higher than currently or previously held on a nontemporary basis.

u. Other types of actions not specified above that are permitted by regulation and consistent with the spirit and intent of the merit principles in the United States Code, Title 5.

7. COMPETITIVE ACTIONS

The following placement actions must be made in accordance with the competitive procedures of this regulation:

a. Permanent promotion to a higher-graded position or to a position with more promotion potential than any position previously held on a permanent basis.

b. Reassignment or demotion to a position with more promotion potential than any position previously held on a permanent basis (except as permitted by reduction-in-force regulations).

c. Appointment, transfer, or reinstatement to a position at a higher grade or with more promotion potential than previously held on a permanent basis.

d. Excepted appointment under Schedule A, 213.3106(b)(6) authority for employment of family members.

e. Time-limited promotion and detail for more than 120 days (or more than 179 days to maintain continuity of essential functions during base closures and major drawdowns) to a higher-graded position. (Subparagraph h below provides information for DCIPS employees.)

(1) Prior service during the preceding 12 months under noncompetitive, time-limited promotions and noncompetitive details to higher-graded positions counts toward the 120-day total.

(2) A temporary promotion may be made permanent without further competition provided that—

(a) The temporary promotion was originally made under competitive procedures.

(b) The fact that the promotion may be made permanent was made known to all potential candidates in the area of consideration.

(3) Competitive, time-limited promotions and details will not be considered when computing the 120-day limit.

(4) Competitive, time-limited promotions may be made for up to 5 years.

f. Selection for training that is part of an authorized training agreement, part of a promotion program, or required by regulation before an employee may be considered for a promotion.

g. Appointment of an employee under an OPM interchange agreement to a higher representative rate position.

h. Except as specified in paragraph 6q and r, temporary promotions and details of DCIPS employees to higher grades beyond 180 days must be made under competitive procedures. Temporary promotions must be made for a definite period of 2 years or less, but may be extended for additional periods of up to 1 year at a time at the discretion of the local commander.

i. Before a U.S. citizen family member may be placed in an LN position, the requirements of AE Regulation 690-70 must be met. A U.S.-citizen nonfamily member cannot be placed in an LN appropriated fund manpower space.

8. LOCATING CANDIDATES

a. The area of consideration must—

(1) Be broad enough to ensure the availability of a reasonable number of high-quality candidates.

(2) Take into consideration the nature and level of the position being filled, merit principles, equal employment opportunity affirmative-action goals and objectives, and applicable regulations.

b. The area of consideration must be identified in the vacancy announcement.

c. Except as stated in subparagraphs e and f below, the minimum area of consideration must include—

(1) CHRA-E serviced employees or in-service employees in the organization or directorate with the vacancy.

(2) Persons with military spouse preference (MSP) living within the commuting area of the vacancy, whether or not on leave without pay (LWOP).

(3) Family members on LWOP living within the commuting area of the vacancy.

(4) Current DA employees with competitive status, and eligible DA DCIPS employees who are otherwise outside the minimum area of consideration.

(5) Veterans Employment Opportunity Act (VEOA) applicants.

(6) Interagency Career Transition Assistance Plan (ICTAP) eligibles.

d. The minimum area of consideration may be expanded to include other sources, such as—

(1) Family members who are eligible for a Schedule A, 213.3106(b)(6) appointment.

(2) Transfer eligibles.

(3) Reinstatement eligibles.

(4) VRA eligibles.

(5) 30-percent disabled veteran (30% DAV) eligibles.

(6) Nonappropriated fund (NAF) employees eligible for appointment under the DOD/OPM interchange agreement.

(7) DCIPS interchange agreement employees.

(8) Individuals eligible under other special appointing authorities, as appropriate.

e. For competitive details and temporary promotions of more than 120 days but not to exceed 1 year, managers may limit the area of consideration to in-service employees in the organization or directorate with the vacancy.

f. For filling temporary and term positions through outside-the-register procedures, the area of consideration will be limited to candidates eligible for competitive and noncompetitive appointments (for example, Schedule A, 213.3106(b)(6); VRA; 30% DAV).

g. Eligible children of military personnel and DOD civilian employees are considered family members for employment purposes, even when these children are absent from home while attending school. A student may designate in writing someone in the local area to accept or decline job offers for the student until the student returns from school.

h. U.S. citizen family members who are appointed under Schedule A, 213.3106(b)(6) authority who do not have their own competitive status or appointment eligibility under some other authority (for example, VRA, 30% DAV) and who lose their family-member status may apply only as external applicants through delegated examining. Family members on competitive-status appointments or on appointments leading to competitive status are not affected by their loss of family-member status and are eligible to apply for all U.S.-designated positions.

i. Only U.S. citizens may be placed in U.S. appropriated fund positions overseas.

j. Employees on term appointments may compete for other term vacancies according to the Code of Federal Regulations, Title 5, part 316. Employees on term appointments may not be promoted to, or noncompetitively placed in, permanent positions unless otherwise eligible for a 30% DAV, VRA, or family-member appointment.

k. Announcements must be open for at least 5 workdays. Approval to open announcements for less than the minimum time must be obtained from the servicing CPOC Customer Focus Team (CFT) Chief.

l. Open continuous announcements or standing registers and inventories may be used when deemed appropriate.

m. Personnel in the Army in Europe who are in a VRA or other permanent career or career-conditional appointment are not eligible for this employment category. These personnel may apply only as “in-service, Department of Army civilian,” “transfer eligible,” or any other category for which they are eligible.

9. CANDIDATE EVALUATION AND REFERRAL

a. For most positions, the CPOC uses an automated rating and referral system called Resumix for filling positions under this regulation. To apply for vacant positions, applicants will be required to submit a résumé to the Army Centralized Database for processing. Once the résumé is processed in the database, applicants can self-nominate for open vacancy announcements. Résumés and self-nominations must be received by the closing date of the vacancy announcement.

b. To be eligible for promotion or placement under this regulation, applicants must meet all eligibility requirements and minimum qualification requirements prescribed by OPM within 30 calendar days after the closing date of the announcement, or within 30 calendar days after the date of the rating for open continuous announcements. Applicants for promotion or placement into a job having greater growth potential than their current job (or one previously held) must have a rating of fully successful or higher in their most recent annual performance appraisal. In the absence of an appraisal, applicants will be presumed to be fully successful.

c. The résumés of applicants who are self-nominated will be matched against the required and desired skills criteria as defined by the selecting official. To be eligible for referral, candidates must be among the best qualified. Best qualified is defined as meeting the skills search criteria, the OPM minimum qualifications, any special placement requirements, time in grade, and other applicable criteria.

d. No minimum or maximum number of applicants must be referred. A referral list is considered valid if it includes at least three available candidates. A referral list with fewer than three available candidates is also valid when the selecting official chooses to accept the list and make a selection from it.

e. When fewer than three candidates are referred, management may request a supplemental referral list.

f. The CPOC CFT Chief will consider all requests for supplemental referral lists based on the facts of the case and determine if a subsequent referral is warranted. A request for an additional referral because a known applicant did not apply in a timely manner or a name request did not appear on the referral list will not be approved. When reviewing requests for subsequent referrals, the CPOC CFT Chief will ensure the integrity of the Merit Promotion Program. Examples of additional reasons and justification procedures that may support a supplemental referral request are as follows:

(1) After working the referral list, management determines that there are fewer than three available candidates remaining on the referral list. The selecting official must document the referral list annotating reasons candidates are not available. The CPOC CFT representative will review the documented referral list.

(2) Management provides justification that identifies reasons that candidates are minimally but not highly qualified for the position. If sustained by the CPOC CFT Chief that the desired or required skills were not appropriate to produce a high-quality referral list, the CPOC will help management identify desired and required skills that will produce high-quality candidates.

(3) Poor character reference checks.

(4) Other reasons as determined on a case-by-case basis that are justified by management and approved by the CPOC CFT Chief.

(5) When remaining candidates on the referral list exceed or are within 1 year of the 5-year limit and the following applies:

(a) The losing organization did not approve an extension.

(b) The gaining organization states that the position being filled does not warrant an exception to the 5-year limit under its mission criteria.

NOTE: Candidates near or exceeding the 5-year limit will remain on the referral list and must be given proper consideration in conjunction with the supplemental referral list.

g. Referral lists may be reissued up to 180 days after initial issue for identical vacancies.

h. The selecting official should make selections within 14 calendar days after the date the referral is issued.

10. SELECTION

a. The selecting official has the right to consider and select candidates from any appropriate source (for example, inservice personnel, reinstatement, transfers, 30% DAVs, VRA, DOD and OPM interchange agreement eligibles, and family members).

b. Selection rules for MSP and family member preference will be observed as appropriate.

c. MSP candidates referred for selection will block selections of non-MSP candidates when a selection is made from a competitive source. This policy applies whether the MSP candidate is on LWOP or is an external candidate.

d. Selecting officials do not have to select MSP candidates who have less than 6 months remaining in the area when they are referred for permanent continuing positions.

e. Noncompetitive sources may be used to fill positions without regard to MSP (for example, VRA, 30% DAV, reassignment, change to lower grade, transfer to the same or lower grade, or DOD or OPM interchange agreement eligibles determined to be equivalent to the same or lower grade).

f. In accordance with AR 690-300, chapter 301; and USAREUR Supplement 1 to AR 690-300.301, commanders and equivalent-level positions may approve exceptions to MSP selections based on locally developed criteria. Management will develop criteria in coordination with their servicing CPAC. Exceptions will not be granted when criteria are not in place.

g. Interviews and reference checks are highly recommended but not required. The selecting official has the option to interview none, some, or all candidates referred on the referral list. A candidate's ability to appear for an interview will not be used as a basis for nonselection. Performance tests or exercises will not be administered without CPOC approval.

h. Selection will be based on job-related reasons. The selecting official will document reasons for competitive selections on the referral list. The selecting official will consider the locally approved affirmative-action plan when making selections.

i. The HR representative will verify the program eligibility of selected candidates before the job offer.

11. EFFECTIVE DATES

a. CPACs will notify selected candidates, make tentative and final jobs offers, and establish entrance on duty or proposed effective dates in coordination with the CPOC.

b. Employees selected for promotion, reassignment, or change to lower grade will be released by managers after serving the remainder of the pay period during which the offer is made and another full pay period. Exceptions may be made if the releasing official and the gaining official agree.

c. If a geographic move is involved, the selected employee will normally be released within 30 days (45 days if the employee is selected from the continental United States).

d. Actions normally will be effective on the first day of the pay period. Actions that return an employee to pay status may be effective earlier, especially if a delay would cause a break in service.

12. MISSED CONSIDERATION

a. Applicants who miss consideration for a vacancy because of administrative or other error will be granted priority consideration for the next like vacancy.

b. Priority consideration will be granted only once when it can be determined that the applicant would have been on the referral list had the error not occurred.

c. A like vacancy is typically one with the same position title, series, and grade, and at the same geographic location as the vacancy for which consideration was missed. Based on a written request by the applicant to the CPOC, this may be modified on a case-by-case basis. The CPOC will give a written approval or disapproval to the applicant regarding any modifications to the terms of the priority consideration.

13. RECORDS

The CPOC will maintain electronic recruitment case files in accordance with DA recordkeeping requirements. Enough documentation will be maintained to provide a clear audit trail and permit reconstruction of any action under this regulation.

14. ORDER OF CONSIDERATION

The order of consideration for employee placement is as follows:

- a. Statutory, reemployment, or restoration placements.
- b. Directed placements (for example, those directed by a court, the Equal Employment Opportunity Commission, or the Merit Systems Protection Board) or other corrective actions.
- c. RIF actions or placements in lieu of a RIF.
- d. Local repromotion eligibles.
- e. Certain actions permitted under the DOD Program for Stability of Civilian Employment (for example, job swaps, medical accommodations).
- f. Reemployment priority list (RPL) registrants for positions at or below the grade last held by the registrant.
- g. DOD Priority Placement Program registrants and RPL candidates other than those in subparagraph f above.
- h. Special considerations after failure to receive consideration under the Merit Promotion Plan.
- i. ICTAP eligibles.
- j. All other competitive and noncompetitive placement actions.

APPENDIX A REFERENCES

SECTION I PUBLICATIONS

Part 213, Title 5, Code of Federal Regulations (5 CFR 213), Excepted Service

5 CFR 300, Employment (General)

5 CFR 315, Career and Career-Conditional Employment

5 CFR 316, Temporary and Term Employment

5 CFR 335, Promotion and Internal Placement

United States Code, Title 5, Government Organizations and Employees

Office of Personnel Management Qualification Standards for General Schedule Positions
(at <http://www.opm.gov/qualifications/>)

Office of Personnel Management Handbook X-118C, Job Qualification System for Trades and Labor Occupations
(at <http://www.opm.gov/qualifications/x-118c/>)

DOD Instruction 1400.23, Employment of Family Members of Active Duty Military Members and Civilian Employees Stationed in Foreign Areas

DOD Instruction 1404.12, Employment of Spouses of Active Duty Military Members Stationed Worldwide

Department of Defense Priority Placement Program Operations Manual
(at <http://dayton.cpmc.osd.mil/public/manindex.cfm>)

AR 25-400-2, The Army Records Information Management System (ARIMS)

AR 690-300.335, Promotion and Internal Placement

AE Regulation 690-70, Recruitment and Staffing for Local National Employees in Germany

USAREUR Supplement 1 to AR 690-300.301, Overseas Employment

SECTION II FORM

DA Form 2028, Recommended Changes to Publications and Blank Forms

GLOSSARY

30% DAV	30-percent disabled veteran
AE	Army in Europe
CFR	Code of Federal Regulations
CFT	Customer Focus Team
CPAC	civilian personnel advisory center
CPOC	Civilian Personnel Operations Center
CHRA-E	Civilian Human Resources Agency, Europe Region
DA	Department of the Army
DCIPS	Defense Civilian Intelligence Personnel System
DOD	Department of Defense
GS	General Schedule
HR	human resources
IAW	in accordance with
ICTAP	Interagency Career Transition Assistance Plan
LN	local national
LWOP	leave without pay
MSP	military spouse preference
NAF	nonappropriated fund
OPM	Office of Personnel Management
RIF	reduction in force
RPA	request for personnel action
RPL	reemployment priority list
U.S.	United States
USAREUR	United States Army, Europe
VEOA	Veterans Employment Opportunity Act
VRA	veterans recruitment appointment